

# **EXHIBIT 4**

Page 1

1  
2 UNITED STATES DISTRICT COURT  
3 DISTRICT OF NEW JERSEY  
4 CIVIL ACTION NO. 2:16-CV-06576

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5 INDUSTRIA DE ALIMENTOS ZENU S.A.S.,

6 Plaintiff,

7 - against -

8 LATINFOOD U.S. CORP. d/b/a ZENU PRODUCTS  
9 CO. and WILSON ZULUAGA,

10 Defendants/Counter Plaintiff.

-----x

11 LATINFOOD U.S. CORP. d/b/a ZENU PRODUCTS  
12 CO.,

13 Defendant/Counter Plaintiff.

14 and

15 INDUSTRIA DE ALIMENTOS ZENU S.A.S  
16 and CORDIALSA USA, INC.

17 -----x  
18 599 Lexington Avenue  
19 New York, New York  
20 July 11, 2019  
21 10:12 a.m.

22 30(B)(6) Deposition of LUIS ARANGO, a  
23 representative of the Plaintiff/Counter  
24 Defendant held at the above-entitled time and  
25 place, taken before Carolyn Crescio, a  
Professional Shorthand Reporter and Notary  
Public of the State of New York.

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## A P P E A R A N C E S:

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BY: PETER D. RAYMOND, ESQ.

- and -

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## THE INGBER LAW FIRM

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US Corp. d/b/a Zenu Products and Co. and Wilson

Zuluqa

51 JFK Parkway

Suite 159

Short Hill, New Jersey 07078

BY: MARK J. INGBER, ESQ.

-and-

BARRY CHEN, ESQ.

#### ALSO PRESENT:

Wilson Zuluaga

Veronica Velasquez

Camila Vasquez

1 L. ARANGO

2 that verbal.

3 A. Yes.

4 Q. Thank you. Was this one of the  
5 topics, do you recall, that you discussed with  
6 Industria when you were discussing bringing  
7 Zenu-branded products into the US?

8 A. Yes.

9 Q. What was that discussion about, if  
10 you recall?

11 A. Can you be more specific?

12 Q. Yes. You say: Validate the use of  
13 the Zenu brand in the US. What does that mean?

17 Q. Who was present at that meeting, if  
18 you recall?

19 A. Which meeting?

20 Q. This meeting you had in Colombia  
21 regarding bringing the Zenu-brand product into  
22 the US.

23                   A.        I think it's very broad, your  
24 question. There was no one single meeting. It  
25 was informal conversation with the president of

1 L. ARANGO

2 Zenu, and he direct me to Hernando. And I talk  
3 with Hernando about the possibility of bringing  
4 the product to the US.

5 Q. When you say "the president," was  
6 that Diego Medina?

7 A. Yes.

8 Q. Do you know if there were any  
9 issues or any discussions about validating the  
10 use of the Zenu brand in the US?

15 Q. When you say "validation," are you  
16 referring to getting a trademark for it in the  
17 US? Do you know?

18           A.     If it's active, if we need to ask  
19     for the use, if we need to register, any option  
20     has to be worked with Servicios Nutresa.

21 Q. When you say you have to register,  
22 do you mean with the US Trademark Office?

23 A. Yeah.

24 Q. At that time, were you aware of  
25 any -- were you aware of Latinfood selling

1 L. ARANGO

## 2 | Zenu-branded products in the US?

3 A. No.

4 Q. Do you know if there were any  
5 discussions in Colombia at that time about  
6 somebody else using the name "Zenu" in the US?

7 MR. RAYMOND: Object to the form  
8 of the question.

9 A. To my knowledge, no.

10 Q. What happened as a result of these  
11 meetings and discussions?

12           A.        We started working on the  
13 requirements, like labeling, reviewing the  
14 pricing analysis, everything.  Yeah.  We work a  
15 lot on it, on the product, until we got the  
16 notification they have to review the trademark.

17 Q. Did you understand there to be some  
18 issues with registering the trademark in the US?

19                   A.        No.    When I started the product, not  
20                   at all.    After, when we were kind of ready.

21 Q. When you were what?

## 22 A. Ready with the product.

23 Q. When was that, if you know?

24 A. June, July, August. Later on.

25 MR. INGBER: Off the record.

1 L. ARANGO

2 department?

3 A. No.

4 Q. Did you report back to Mr. Medina,  
5 Diego Medina about this?

6 A. No.

7 Q. Did you respond to this July 15,  
8 2015, letter from Mr. Zuluaga?

9                   A.        Yes.  It was handled through our  
10                  corporate lawyers, and they send back a  
11                  response.

12 Q. So you didn't personally respond, or  
13 did you?

14 A. I work with them.

15 Q. Did you contact Mr. Yepes to verify  
16 the contents of this letter, at all?

17 A. No.

18 Q. Did Cordialsa ever have any direct  
19 discussions with any of Latinfood business  
20 customers regarding the sales of Latinfood's  
21 product, to your knowledge?

22           A.       I only ask one cashier in one  
23 supermarket if the product sells well, and they  
24 say, Yes, well.

## 25 O. Whose product?

L. ARANGO

#### A. The canned beans, Zenu canned beans.

Q. Is this the Latinfood products?

A. Uh-huh.

Q. What store was that?

A. I don't remember which one.

## Q. Was it Food Fair?

A. No.

Q. Was it Supremo?

A. I don't remember which one it was.

Q. Not Twin City?

A. I don't remember. But I remember

that I saw the product. When I was with the cashier, I ask, Is this product selling well?

They said, Yes, well.

Q. Was this after the July 15, 2015,  
ent?

A. I don't remember.

(A break was taken.)

Q. You now have before you LSB. On page 19, paragraph 64, it says: Plaintiff, meaning Industria, did not oppose Defendant's registration application because as a foreign corporation, it's unaware the defendant's pirating of the Zenu mark in the US until in o